



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5

DA 08-2129
Released: September 22, 2008

COMMENT SOUGHT ON PROPOSALS REGARDING SERVICE RULES FOR WIRELESS ENHANCED 911 PHASE II LOCATION ACCURACY AND RELIABILITY

PS Docket No. 07-114

Comments Due: 10 days after publication in the Federal Register

Reply Comments Due: 17 days after publication in the Federal Register (at 12:00 Noon)¹

On November 20, 2007, the Commission released a Report and Order (*Location Accuracy Order*) requiring wireless licensees subject to section 20.18(h) of the Commission's rules,² which specifies the standards for wireless Enhanced 911 (E911) Phase II location accuracy and reliability, to satisfy these standards at a geographical level defined by the coverage area of a Public Safety Answering Point (PSAP).³ On March 25, 2008, the United States Court of Appeals for the District of Columbia Circuit (Court) stayed the Location Accuracy Order.⁴

On July 14, 2008, APCO and the National Emergency Number Association (NENA) filed an *ex parte* letter addressing handset-based and network-based location accuracy criteria, stating that they "are now willing to accept compliance measurements at the county level" rather than at the PSAP level, and that "[p]ublic safety and wireless carriers are in current discussions on a number of other issues associated with E9-1-1."⁵

¹ We are setting the comment deadline at 12:00 Noon in light of the fact that the comment deadline may be extended by the Columbus Day holiday.

² 47 C.F.R. § 20.18(h).

³ Wireless E911 Location Accuracy Requirements, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling, 911 Requirements for IP-Enabled Service Providers, PS Docket No. 07-114, CC Docket No. 94-102, WC Docket No. 05-196, *Report and Order*, 22 FCC Rcd 20105 (2007) (*Location Accuracy Order*).

⁴ *Rural Cellular Association and T-Mobile USA, Inc. v. Federal Communications Commission and the United States of America*, No. 08-1069, slip op. at 1 (DC Cir. Mar. 25, 2008) (per curiam).

⁵ Letter from Willis Carter, President, APCO, and Ronald Bonneau, President, NENA, to Derek Poarch, Chief, Public Safety and Homeland Security Bureau, FCC, filed July 14, 2007, at 1-2.

On July 31, 2008, the Commission filed with the Court a Motion for Voluntary Remand and Vacatur, which requested remand based on the proposals contained in the July 14 *ex parte* letter and “[i]n light of the public safety community’s support for revised rules.”⁶ Following this filing with the Court, NENA, APCO, Verizon Wireless, Sprint Nextel Corporation, and AT&T submitted written *ex parte* letters with the Commission with proposed new wireless E911 rules. Taken together, these proposals reflect agreement among those parties for new E911 accuracy requirements for both handset-based and network-based technologies, in order to achieve E911 accuracy compliance at the county-level. The parties also offer plans to convene industry groups to address related E911 issues, and AT&T included a proposal reflecting agreement on carrier provision of confidence and uncertainty data to PSAPs. Copies of all relevant *ex parte* submissions are attached as Appendix A to this Public Notice.

We therefore seek comment on the proposed changed accuracy requirements, including the benchmarks, limitations, and exclusions noted therein, for handset-based and network-based location technologies. We also invite views on the pledges to convene industry groups to explore related issues, and whether we should require the provision of confidence and uncertainty data. In sum, by this Public Notice, the Public Safety and Homeland Security Bureau seeks comment on all of these proposals as well as any alternative modifications to location accuracy requirements. The Bureau urges all interested parties to review the entirety of the above-referenced *ex parte* letters.

We also seek comment on the attached Initial Regulatory Flexibility Analysis in connection with the proposals described above (see Appendix B).

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission’s rules, 47 C.F.R. §§ 0.191, 0.392.

Interested parties may file comments on or before [10 days after publication in the Federal Register], and reply comments on or before [17 days after publication in the Federal Register]. This abbreviated comment cycle is appropriate given the compelling public interest in achieving accurate and reliable E911 location information.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.⁷ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. All filings concerning this Public Notice should refer to PS Docket No. 07-114. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

⁶ Motion of Federal Communications Commission for Voluntary Remand and Vacatur, *Rural Cellular Association and T-Mobile et al v. Federal Communications Commission and United States of America*, No. 08-1069 (D.C. Cir. July 31, 2008). On September 17, 2008, the Court granted the Commission’s request. Order Granting Mot. Rem. (Sept. 17, 2008).

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Parties are strongly encouraged to file comments electronically using the Commission's ECFS.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in PS Docket No. 07-114 will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. S.W., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁹ Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.¹⁰

This document contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C.

⁸ 47 C.F.R. § 1.1200 *et seq.*

⁹ *See* 47 C.F.R. § 1.1206(b)(2).

¹⁰ 47 C.F.R. § 1.1206(b).

3506(c)(4), we seek specific comment on how we might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

For further information, contact Thomas J. Beers, Chief, Policy Division, Public Safety and Homeland Security Bureau, at (202) 418-0952.

- FCC-

APPENDIX A

Ex Parte Submissions

APPENDIX B

Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact of the proposal described in the attached Public Notice on small entities. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the Public Notice. The Commission will send a copy of the Public Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the Notice and IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Proposed Rules

2. The Public Notice seeks comments broadly on a proposal recently submitted by APCO, NENA, AT&T, Sprint Nextel Corporation, and Verizon Wireless, and on any other alternative approaches, to best ensure that public safety answering points (PSAPs) receive location information that is as accurate as possible for all wireless E911 calls. APCO, NENA, AT&T, Sprint Nextel Corporation, and Verizon Wireless propose requiring measurement of location accuracy compliance at the county level rather than PSAP level; certain modifications to the Phase II location accuracy requirements set forth in 47 C.F.R. § 20.18(h); provision for testing to establish baseline confidence and uncertainty levels in a county; and stakeholder-based consultation to explore such E911-related issues as possible approaches for assessing wireless 911 location accuracy for calls originating indoors; updated outdoor and indoor accuracy measurement methodologies, testing of emerging technology claims; E911 responsibilities in an open-access environment, and the development of hybrid network aGPS technologies.

B. Legal Basis

3. The legal basis for any action that may be taken pursuant to this Public Notice is contained in Sections 4(i) and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 332.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Would Apply

4. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules.⁴ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁵ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁶ A small business concern is one which: (1)

¹ See 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 – 612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² See 5 U.S.C. § 603(a).

³ See 5 U.S.C. § 603(a).

⁴ 5 U.S.C. §§ 603(b)(3), 604(a)(3).

⁵ 5 U.S.C. § 601(6).

⁶ 5 U.S.C. § 601(3) (incorporating by reference the definition of “small business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity

is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).⁷

5. Nationwide, there are a total of approximately 22.4 million small businesses, according to SBA data.⁸ A “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”⁹ Nationwide, as of 2002, there were approximately 1.6 million small organizations.¹⁰ The term “small governmental jurisdiction” is defined generally as “governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”¹¹ Census Bureau data for 2002 indicate that there were 87,525 local governmental jurisdictions in the United States.¹² We estimate that, of this total, 84,377 entities were “small governmental jurisdictions.”¹³ Thus, we estimate that most governmental jurisdictions are small.

1. Telecommunications Service Entities

a. Wireless Telecommunications Service Providers

6. Pursuant to 47 C.F.R. § 20.18(a), the Commission’s 911 Service requirements are only applicable to Commercial Mobile Radio Service (CMRS) “[providers], excluding mobile satellite service operators, to the extent that they: (1) Offer real-time, two way switched voice service that is interconnected with the public switched network; and (2) Utilize an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. These requirements are applicable to entities that offer voice service to consumers by purchasing airtime or capacity at wholesale rates from CMRS licensees.”

7. Below, for those services subject to auctions, we note that, as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Also, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated.

8. *Cellular Licensees.* The SBA has developed a small business size standard for wireless firms within the broad economic census category “Cellular and Other Wireless Telecommunications.”¹⁴ Under this SBA category, a wireless business is small if it has 1,500 or fewer employees. For the census category of Cellular and Other Wireless Telecommunications, Census Bureau data for 2002 show that

for public comment, establishes one or more definitions of such terms which are appropriate to the activities of the agency and publishes such definitions(s) in the Federal Register.”

⁷ 15 U.S.C. § 632.

⁸ See SBA, Programs and Services, SBA Pamphlet No. CO-0028, at page 40 (July 2002).

⁹ 5 U.S.C. § 601(4).

¹⁰ Independent Sector, The New Nonprofit Almanac & Desk Reference (2002).

¹¹ 5 U.S.C. § 601(5).

¹² U.S. Census Bureau, Statistical Abstract of the United States: 2006, Section 8, page 272, Table 415.

¹³ We assume that the villages, school districts, and special districts are small, and total 48,558. See U.S. Census Bureau, Statistical Abstract of the United States: 2006, section 8, page 273, Table 417. For 2002, Census Bureau data indicate that the total number of county, municipal, and township governments nationwide was 38,967, of which 35,819 were small. *Id.*

¹⁴ 13 C.F.R. § 121.201, NAICS code 513322 (changed to 517212 in October 2002).

there were 1,397 firms in this category that operated for the entire year.¹⁵ Of this total, 1,378 firms had employment of 999 or fewer employees, and 19 firms had employment of 1,000 employees or more.¹⁶ Thus, under this category and size standard, the great majority of firms can be considered small. Also, according to Commission data, 437 carriers reported that they were engaged in the provision of cellular service, Personal Communications Service (PCS), or Specialized Mobile Radio (SMR) Telephony services, which are placed together in the data.¹⁷ We have estimated that 260 of these are small, under the SBA small business size standard.¹⁸

9. *Common Carrier Paging.* The SBA has developed a small business size standard for wireless firms within the broad economic census category, “Cellular and Other Wireless Telecommunications.”¹⁹ Under this SBA category, a wireless business is small if it has 1,500 or fewer employees. For the census category of Paging, Census Bureau data for 2002 show that there were 807 firms in this category that operated for the entire year.²⁰ Of this total, 804 firms had employment of 999 or fewer employees, and three firms had employment of 1,000 employees or more.²¹ Thus, under this category and associated small business size standard, the majority of firms can be considered small. In the Paging *Third Report and Order*, we developed a small business size standard for “small businesses” and “very small businesses” for purposes of determining their eligibility for special provisions such as bidding credits and installment payments.²² A “small business” is an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$15 million for the preceding three years. Additionally, a “very small business” is an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$3 million for the preceding three years.²³ The SBA has approved these small business size standards.²⁴ An auction of Metropolitan Economic Area licenses commenced on February 24, 2000, and closed on March 2, 2000.²⁵ Of the 985 licenses auctioned, 440 were sold. Fifty-seven companies claiming small business status won. Also,

¹⁵ U.S. Census Bureau, 2002 Economic Census, Subject Series: “Information,” Table 5, Employment Size of Firms for the United States: 2002, NAICS code 517212 (issued November 2005).

¹⁶ *Id.* The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is firms with “1000 employees or more.”

¹⁷ “Trends in Telephone Service” at Table 5.3.

¹⁸ *Id.*

¹⁹ 13 C.F.R. § 121.201, NAICS code 513322 (changed to 517212 in October 2002).

²⁰ U.S. Census Bureau, 2002 Economic Census, Subject Series: “Information,” Table 5, Employment Size of Firms for the United States: 2002, NAICS code 517211 (issued November 2005).

²¹ *Id.* The census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is firms with “1000 employees or more.”

²² *Amendment of Part 90 of the Commission’s Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service*, PR Docket No. 89-552, Third Report and Order and Fifth Notice of Proposed Rulemaking, 12 FCC Rcd 10943, 11068-70, paras. 291-295, 62 FR 16004 (Apr. 3, 1997).

²³ See Letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, FCC, from A. Alvarez, Administrator, SBA (Dec. 2, 1998) (SBA Dec. 2, 1998 Letter).

²⁴ *Revision of Part 22 and Part 90 of the Commission’s Rules to Facilitate Future Development of Paging Systems*, Memorandum Opinion and Order on Reconsideration and Third Report and Order, 14 FCC Rcd 10030, paras. 98-107 (1999).

²⁵ *Id.* at 10085, para. 98.

according to Commission data, 375 carriers reported that they were engaged in the provision of paging and messaging services.²⁶ Of those, we estimate that 370 are small, under the SBA-approved small business size standard.²⁷

10. *Wireless Telephony.* Wireless telephony includes cellular, personal communications services (PCS), and specialized mobile radio (SMR) telephony carriers. As noted earlier, the SBA has developed a small business size standard for “Cellular and Other Wireless Telecommunications” services.²⁸ Under that SBA small business size standard, a business is small if it has 1,500 or fewer employees.²⁹ According to Commission data, 445 carriers reported that they were engaged in the provision of wireless telephony.³⁰ We have estimated that 245 of these are small under the SBA small business size standard.

11. *Broadband Personal Communications Service.* The broadband Personal Communications Service (PCS) spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined “small entity” for Blocks C and F as an entity that has average gross revenues of \$40 million or less in the three previous calendar years.³¹ For Block F, an additional classification for “very small business” was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than \$15 million for the preceding three calendar years.³² These standards defining “small entity” in the context of broadband PCS auctions have been approved by the SBA.³³ No small businesses, within the SBA-approved small business size standards bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F.³⁴ On March 23, 1999, the Commission re-auctioned 347 C, D, E, and F Block licenses. There were 48 small business winning bidders. On January 26, 2001, the Commission completed the auction of 422 C and F Broadband PCS licenses in Auction No. 35. Of the 35 winning bidders in this auction, 29 qualified as “small” or “very small” businesses. Subsequent events, concerning Auction 35, including judicial and agency determinations, resulted in a total of 163 C and F Block licenses being available for grant.

12. *Narrowband Personal Communications Services.* To date, two auctions of narrowband personal communications services (PCS) licenses have been conducted. For purposes of the two auctions

²⁶ “Trends in Telephone Service” at Table 5.3.

²⁷ *Id.*

²⁸ 13 C.F.R. § 121.201, NAICS code 513322 (changed to 517212 in October 2002).

²⁹ *Id.*

³⁰ “Trends in Telephone Service” at Table 5.3.

³¹ See *Amendment of Parts 20 and 24 of the Commission’s Rules – Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap*, WT Docket No. 96-59, Report and Order, 11 FCC Rcd 7824, 61 FR 33859 (July 1, 1996) (*PCS Order*); see also 47 C.F.R. § 24.720(b).

³² See *PCS Order*, 11 FCC Rcd 7824.

³³ See, e.g., *Implementation of Section 309(j) of the Communications Act – Competitive Bidding*, PP Docket No. 93-253, Fifth Report and Order, 9 FCC Rcd 5332, 59 FR 37566 (July 22, 1994).

³⁴ FCC News, *Broadband PCS, D, E and F Block Auction Closes*, No. 71744 (rel. Jan. 14, 1997); see also *Amendment of the Commission’s Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses*, WT Docket No. 97-82, Second Report and Order, 12 FCC Rcd 16436, 62 FR 55348 (Oct. 24, 1997).

that have already been held, “small businesses” were entities with average gross revenues for the prior three calendar years of \$40 million or less. Through these auctions, the Commission has awarded a total of 41 licenses, out of which 11 were obtained by small businesses. To ensure meaningful participation of small business entities in future auctions, the Commission has adopted a two-tiered small business size standard in the *Narrowband PCS Second Report and Order*.³⁵ A “small business” is an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than \$40 million. A “very small business” is an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than \$15 million. The SBA has approved these small business size standards.³⁶ In the future, the Commission will auction 459 licenses to serve Metropolitan Trading Areas (MTAs) and 408 response channel licenses. There is also one megahertz of narrowband PCS spectrum that has been held in reserve and that the Commission has not yet decided to release for licensing. The Commission cannot predict accurately the number of licenses that will be awarded to small entities in future auctions. However, four of the 16 winning bidders in the two previous narrowband PCS auctions were small businesses, as that term was defined. The Commission assumes, for purposes of this analysis that a large portion of the remaining narrowband PCS licenses will be awarded to small entities. The Commission also assumes that at least some small businesses will acquire narrowband PCS licenses by means of the Commission’s partitioning and disaggregation rules.

13. *Rural Radiotelephone Service.* The Commission has not adopted a size standard for small businesses specific to the Rural Radiotelephone Service.³⁷ A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio System (BETRS).³⁸ The Commission uses the SBA’s small business size standard applicable to “Cellular and Other Wireless Telecommunications,” *i.e.*, an entity employing no more than 1,500 persons.³⁹ There are approximately 1,000 licensees in the Rural Radiotelephone Service, and the Commission estimates that there are 1,000 or fewer small entity licensees in the Rural Radiotelephone Service that may be affected by the rules and policies adopted herein.

14. *Air-Ground Radiotelephone Service.* The Commission has not adopted a small business size standard specific to the Air-Ground Radiotelephone Service.⁴⁰ We will use SBA’s small business size standard applicable to “Cellular and Other Wireless Telecommunications,” *i.e.*, an entity employing no more than 1,500 persons.⁴¹ There are approximately 100 licensees in the Air-Ground Radiotelephone Service, and we estimate that almost all of them qualify as small under the SBA small business size standard.

15. *Offshore Radiotelephone Service.* This service operates on several UHF television broadcast channels that are not used for television broadcasting in the coastal areas of states bordering the Gulf of Mexico.⁴² There are presently approximately 55 licensees in this service. We are unable to

³⁵ *Amendment of the Commission’s Rules to Establish New Personal Communications Services, Narrowband PCS*, Docket No. ET 92-100, Docket No. PP 93-253, Second Report and Order and Second Further Notice of Proposed Rulemaking, 15 FCC Rcd 10456, 65 FR 35875 (June 6, 2000).

³⁶ See SBA Dec. 2, 1998 Letter.

³⁷ The service is defined in section 22.99 of the Commission’s Rules, 47 C.F.R. § 22.99.

³⁸ BETRS is defined in sections 22.757 and 22.759 of the Commission’s Rules, 47 C.F.R. §§ 22.757 and 22.759.

³⁹ 13 C.F.R. § 121.201, NAICS code 517212.

⁴⁰ The service is defined in section 22.99 of the Commission’s rules, 47 C.F.R. § 22.99.

⁴¹ 13 C.F.R. § 121.201, NAICS codes 517212.

⁴² This service is governed by Subpart I of Part 22 of the Commission’s rules. See 47 C.F.R. §§ 22.1001-22.1037.

estimate at this time the number of licensees that would qualify as small under the SBA's small business size standard for "Cellular and Other Wireless Telecommunications" services.⁴³ Under that SBA small business size standard, a business is small if it has 1,500 or fewer employees.⁴⁴

b. International Service Providers

16. The Commission has not developed a small business size standard specifically for providers of international service. The appropriate size standards under SBA rules are for the two broad census categories of "Satellite Telecommunications" and "Other Telecommunications." Under both categories, such a business is small if it has \$13.5 million or less in average annual receipts.⁴⁵

17. The first category of Satellite Telecommunications "comprises establishments primarily engaged in providing point-to-point telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications."⁴⁶ For this category, Census Bureau data for 2002 show that there were a total of 371 firms that operated for the entire year.⁴⁷ Of this total, 307 firms had annual receipts of under \$10 million, and 26 firms had receipts of \$10 million to \$24,999,999.⁴⁸ Consequently, we estimate that the majority of Satellite Telecommunications firms are small entities that might be affected by our action.

18. The second category of Other Telecommunications "comprises establishments primarily engaged in (1) providing specialized telecommunications applications, such as satellite tracking, communications telemetry, and radar station operations; or (2) providing satellite terminal stations and associated facilities operationally connected with one or more terrestrial communications systems and capable of transmitting telecommunications to or receiving telecommunications from satellite systems."⁴⁹ For this category, Census Bureau data for 2002 show that there were a total of 332 firms that operated for the entire year.⁵⁰ Of this total, 303 firms had annual receipts of under \$10 million and 15 firms had annual receipts of \$10 million to \$24,999,999.⁵¹ Consequently, we estimate that the majority of Other Telecommunications firms are small entities that might be affected by our action.

c. Equipment Manufacturers

19. *Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: "This industry comprises establishments primarily engaged in manufacturing radio

⁴³ 13 C.F.R. § 121.201, NAICS code 513322 (changed to 517212 in October 2002).

⁴⁴ *Id.*

⁴⁵ 13 C.F.R. § 121.201, NAICS codes 517410 and 517910.

⁴⁶ U.S. Census Bureau, "2002 NAICS Definitions: 517410 Satellite Telecommunications" (www.census.gov), visited Feb. 2006).

⁴⁷ U.S. Census Bureau, 2002 Economic Census, Subject Series: Information, "Establishment and Firm Size (Including Legal Form of Organization)," Table 4, NAICS code 517410 (issued Nov. 2005).

⁴⁸ *Id.* An additional 38 firms had annual receipts of \$25 million or more.

⁴⁹ U.S. Census Bureau, 2002 NAICS Definitions, "517910 Other Telecommunications"; <http://www.census.gov/epcd/naics02/def/NDEF517.HTM>.

⁵⁰ U.S. Census Bureau, 2002 Economic Census, Subject Series: Information, "Establishment and Firm Size (Including Legal Form of Organization)," Table 4, NAICS code 517910 (issued Nov. 2005).

⁵¹ *Id.* An additional 14 firms had annual receipts of \$25 million or more.

and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.”⁵² The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees.⁵³ According to Census Bureau data for 2002, there were a total of 1,041 establishments in this category that operated for the entire year.⁵⁴ Of this total, 1,010 had employment of under 500, and an additional 13 had employment of 500 to 999.⁵⁵ Thus, under this size standard, the majority of firms can be considered small.

20. *Semiconductor and Related Device Manufacturing.* These establishments manufacture “computer storage devices that allow the storage and retrieval of data from a phase change, magnetic, optical, or magnetic/optical media.”⁵⁶ The SBA has developed a small business size standard for this category of manufacturing; that size standard is 500 or fewer employees.⁵⁷ According to Census Bureau data for 1997, there were 1,082 establishments in this category that operated for the entire year.⁵⁸ Of these, 987 had employment of under 500, and 52 establishments had employment of 500 to 999.

21. *Computer Storage Device Manufacturing.* These establishments manufacture “computer storage devices that allow the storage and retrieval of data from a phase change, magnetic, optical, or magnetic/optical media.”⁵⁹ The SBA has developed a small business size standard for this category of manufacturing; that size standard is 1,000 or fewer employees.⁶⁰ According to Census Bureau data for 1997, there were 209 establishments in this category that operated for the entire year.⁶¹ Of these, 197 had employment of under 500, and eight establishments had employment of 500 to 999.

⁵² U.S. Census Bureau, 2002 NAICS Definitions, “334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing”; <http://www.census.gov/epcd/naics02/def/NDEF334.HTM#N3342>.

⁵³ 13 C.F.R. § 121.201, NAICS code 334220.

⁵⁴ U.S. Census Bureau, American FactFinder, 2002 Economic Census, Industry Series, Industry Statistics by Employment Size, NAICS code 334220 (released May 26, 2005); <http://factfinder.census.gov>. The number of “establishments” is a less helpful indicator of small business prevalence in this context than would be the number of “firms” or “companies,” because the latter take into account the concept of common ownership or control. Any single physical location for an entity is an establishment, even though that location may be owned by a different establishment. Thus, the numbers given may reflect inflated numbers of businesses in this category, including the numbers of small businesses. In this category, the Census breaks-out data for firms or companies only to give the total number of such entities for 2002, which was 929.

⁵⁵ *Id.* An additional 18 establishments had employment of 1,000 or more.

⁵⁶ U.S. Census Bureau, “2002 NAICS Definitions: 334413 Semiconductor and Related Device Manufacturing” (Feb. 2004) <www.census.gov>.

⁵⁷ 13 C.F.R. § 121.201, NAICS code 334413.

⁵⁸ U.S. Census Bureau, 1997 Economic Census, Industry Series: Manufacturing, “Semiconductor and Related Device Manufacturing,” Table 4, NAICS code 334413 (issued July 1999).

⁵⁹ U.S. Census Bureau, “2002 NAICS Definitions: 334112 Computer Storage Device Manufacturing” (Feb. 2004) <www.census.gov>.

⁶⁰ 13 C.F.R. § 121.201, NAICS code 334112.

⁶¹ U.S. Census Bureau, 1997 Economic Census, Industry Series: Manufacturing, “Computer Storage Device Manufacturing,” Table 4, NAICS code 334112 (issued July 1999).

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

22. The Public Notice seeks comment broadly on APCO, NENA, AT&T, Sprint Nextel Corporation, and Verizon Wireless' proposals, and on any other alternative approaches, to best ensure that public safety answering points (PSAPs) receive location information that is as accurate as possible for all wireless E911 calls. APCO, NENA, AT&T, Sprint Nextel Corporation, and Verizon Wireless propose requiring measurement of location accuracy compliance at the county level rather than PSAP level; certain modifications to the compliance levels set forth in rules section 20.18(h).

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

23. The RFA requires an agency to describe any significant, specifically small business alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): "(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for small entities."⁶²

24. The Public Notice seeks comment on the relative merits of APCO, NENA, AT&T, Sprint Nextel Corporation, and Verizon Wireless' proposals. To assist in the analysis, commenters are requested to provide information regarding how small entities would be affected if the Commission were to adopt APCO, NENA, AT&T, Sprint Nextel Corporation, and Verizon Wireless' proposals, or any alternative proposals offered by other commenters. Commenters should also provide information on alternative approaches to alleviate any potential burdens on small entities.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

25. <None.>

⁶² 5 U.S.C. §§ 603(c)(1)-(c)(4).